

106TH CONGRESS
2D SESSION

H. R. 4320

IN THE SENATE OF THE UNITED STATES

JULY 26, 2000

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Ape Conserva-
5 tion Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) great ape populations have declined to the
9 point that the long-term survival of the species in
10 the wild is in serious jeopardy;

11 (2) the chimpanzee, gorilla, bonobo, orangutan,
12 and gibbon are listed as endangered species under
13 section 4 of the Endangered Species Act of 1973 (16
14 U.S.C. 1533) and under Appendix I of the Conven-
15 tion on International Trade in Endangered Species
16 of Wild Fauna and Flora (27 UST 1087; TIAS
17 8249);

18 (3) because the challenges facing the conserva-
19 tion of great apes are so immense, the resources
20 available to date have not been sufficient to cope
21 with the continued loss of habitat due to human en-
22 croachment and logging and the consequent diminu-
23 tion of great ape populations;

24 (4) because great apes are flagship species for
25 the conservation of the tropical forest habitats in

1 which they are found, conservation of great apes
2 provides benefits to numerous other species of wild-
3 life, including many other endangered species;

4 (5) among the threats to great apes, in addition
5 to habitat loss, are population fragmentation, hunt-
6 ing for the bushmeat trade, live capture, and expo-
7 sure to emerging or introduced diseases;

8 (6) great apes are important components of the
9 ecosystems they inhabit, and studies of their wild
10 populations have provided important biological in-
11 sights;

12 (7) although subsistence hunting of tropical for-
13 est animals has occurred for hundreds of years at a
14 sustainable level, the tremendous increase in the
15 commercial trade of tropical forest species is detri-
16 mental to the future of these species; and

17 (8) the reduction, removal, or other effective
18 addressing of the threats to the long-term viability
19 of populations of great apes in the wild will require
20 the joint commitment and effort of countries that
21 have within their boundaries any part of the range
22 of great apes, the United States and other countries,
23 and the private sector.

24 (b) PURPOSES.—The purposes of this Act are—

1 (1) to sustain viable populations of great apes
2 in the wild; and

3 (2) to assist in the conservation and protection
4 of great apes by supporting conservation programs
5 of countries in which populations of great apes are
6 located and by supporting the CITES Secretariat.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) CITES.—The term “CITES” means the
10 Convention on International Trade in Endangered
11 Species of Wild Fauna and Flora, done at Wash-
12 ington March 3, 1973 (27 UST 1087; TIAS 8249),
13 including its appendices.

14 (2) CONSERVATION.—The term
15 “conservation”—

16 (A) means the use of methods and proce-
17 dures necessary to prevent the diminution of,
18 and to sustain viable populations of, a species;
19 and

20 (B) includes all activities associated with
21 wildlife management, such as—

22 (i) conservation, protection, restora-
23 tion, acquisition, and management of habi-
24 tat;

1 (ii) in-situ research and monitoring of
2 populations and habitats;

3 (iii) assistance in the development, im-
4 plementation, and improvement of manage-
5 ment plans for managed habitat ranges;

6 (iv) enforcement and implementation
7 of CITES;

8 (v) enforcement and implementation
9 of domestic laws relating to resource man-
10 agement;

11 (vi) development and operation of
12 sanctuaries for members of a species res-
13 cued from the illegal trade in live animals;

14 (vii) training of local law enforcement
15 officials in the interdiction and prevention
16 of the illegal killing of great apes;

17 (viii) programs for the rehabilitation
18 of members of a species in the wild and re-
19 lease of the members into the wild in ways
20 which do not threaten existing wildlife pop-
21 ulations by causing displacement or the in-
22 troduction of disease;

23 (ix) conflict resolution initiatives;

24 (x) community outreach and edu-
25 cation; and

1 (xi) strengthening the capacity of local
2 communities to implement conservation
3 programs.

4 (3) FUND.—The term “Fund” means the Great
5 Ape Conservation Fund established by section 5.

6 (4) GREAT APE.—The term “great ape” means
7 a chimpanzee, gorilla, bonobo, orangutan, or gibbon.

8 (5) MULTINATIONAL SPECIES CONSERVATION
9 FUND.—The term “Multinational Species Conserva-
10 tion Fund” means such fund as established in title
11 I of the Department of the Interior and Related
12 Agencies Appropriations Act, 1999, under the head-
13 ing “MULTINATIONAL SPECIES CONSERVATION
14 FUND”.

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 **SEC. 4. GREAT APE CONSERVATION ASSISTANCE.**

18 (a) IN GENERAL.—Subject to the availability of
19 funds and in consultation with other appropriate Federal
20 officials, the Secretary shall use amounts in the Fund to
21 provide financial assistance for projects for the conserva-
22 tion of great apes for which project proposals are approved
23 by the Secretary in accordance with this section.

24 (b) PROJECT PROPOSALS.—

1 (1) ELIGIBLE APPLICANTS.—A proposal for a
2 project for the conservation of great apes may be
3 submitted to the Secretary by—

4 (A) any wildlife management authority of
5 a country that has within its boundaries any
6 part of the range of a great ape if the activities
7 of the authority directly or indirectly affect a
8 great ape population;

9 (B) the CITES Secretariat; or

10 (C) any person or group with the dem-
11 onstrated expertise required for the conserva-
12 tion of great apes.

13 (2) REQUIRED ELEMENTS.—A project proposal
14 shall include—

15 (A) a concise statement of the purposes of
16 the project;

17 (B) the name of the individual responsible
18 for conducting the project;

19 (C) a description of the qualifications of
20 the individuals who will conduct the project;

21 (D) a concise description of—

22 (i) methods for project implementa-
23 tion and outcome assessment;

24 (ii) staff and community management
25 for the project; and

1 (iii) the logistics of the project;

2 (E) an estimate of the funds and time re-
3 quired to complete the project;

4 (F) evidence of support for the project by
5 appropriate governmental entities of the coun-
6 tries in which the project will be conducted, if
7 the Secretary determines that such support is
8 required for the success of the project;

9 (G) information regarding the source and
10 amount of matching funding available for the
11 project; and

12 (H) any other information that the Sec-
13 retary considers to be necessary for evaluating
14 the eligibility of the project for funding under
15 this Act.

16 (c) PROJECT REVIEW AND APPROVAL.—

17 (1) IN GENERAL.—The Secretary shall—

18 (A) not later than 30 days after receiving
19 a project proposal, provide a copy of the pro-
20 posal to other appropriate Federal officials; and

21 (B) review each project proposal in a time-
22 ly manner to determine if the proposal meets
23 the criteria specified in subsection (d).

24 (2) CONSULTATION; APPROVAL OR DIS-
25 APPROVAL.—Not later than 180 days after receiving

1 a project proposal, and subject to the availability of
2 funds, the Secretary, after consulting with other ap-
3 propriate Federal officials, shall—

4 (A) consult on the proposal with the gov-
5 ernment of each country in which the project is
6 to be conducted;

7 (B) after taking into consideration any
8 comments resulting from the consultation, ap-
9 prove or disapprove the proposal; and

10 (C) provide written notification of the ap-
11 proval or disapproval to the person who sub-
12 mitted the proposal, other appropriate Federal
13 officials, and each country described in sub-
14 paragraph (A).

15 (d) CRITERIA FOR APPROVAL.—The Secretary may
16 approve a project proposal under this section if the project
17 will enhance programs for conservation of great apes by
18 assisting efforts to—

19 (1) implement conservation programs;

20 (2) address the conflicts between humans and
21 great apes that arise from competition for the same
22 habitat;

23 (3) enhance compliance with CITES and other
24 applicable laws that prohibit or regulate the taking

1 or trade of great apes or regulate the use and man-
2 agement of great ape habitat;

3 (4) develop sound scientific information on, or
4 methods for monitoring—

5 (A) the condition and health of great ape
6 habitat;

7 (B) great ape population numbers and
8 trends; or

9 (C) the current and projected threats to
10 the habitat, current and projected numbers, or
11 current and projected trends; or

12 (5) promote cooperative projects on the issues
13 described in paragraph (4) among government enti-
14 ties, affected local communities, nongovernmental or-
15 ganizations, or other persons in the private sector.

16 (e) PROJECT SUSTAINABILITY.—To the maximum
17 extent practicable, in determining whether to approve
18 project proposals under this section, the Secretary shall
19 give preference to conservation projects that are designed
20 to ensure effective, long-term conservation of great apes
21 and their habitats.

22 (f) MATCHING FUNDS.—In determining whether to
23 approve project proposals under this section, the Secretary
24 shall give preference to projects for which matching funds
25 are available.

1 (g) PROJECT REPORTING.—

2 (1) IN GENERAL.—Each person that receives
3 assistance under this section for a project shall sub-
4 mit to the Secretary periodic reports (at such inter-
5 vals as the Secretary considers necessary) that in-
6 clude all information that the Secretary, after con-
7 sultation with other appropriate government offi-
8 cials, determines is necessary to evaluate the
9 progress and success of the project for the purposes
10 of ensuring positive results, assessing problems, and
11 fostering improvements.

12 (2) AVAILABILITY TO THE PUBLIC.—Reports
13 under paragraph (1), and any other documents re-
14 lating to projects for which financial assistance is
15 provided under this Act, shall be made available to
16 the public.

17 (h) LIMITATIONS ON USE FOR CAPTIVE BREED-
18 ING.—Amounts provided as a grant under this Act—

19 (1) may not be used for captive breeding of
20 great apes other than for captive breeding for re-
21 lease into the wild; and

22 (2) may be used for captive breeding of a spe-
23 cies for release into the wild only if no other con-
24 servation method for the species is biologically fea-
25 sible.

1 (i) PANEL.—Every 2 years, the Secretary shall con-
2 vene a panel of experts to identify the greatest needs for
3 the conservation of great apes.

4 **SEC. 5. GREAT APE CONSERVATION FUND.**

5 (a) ESTABLISHMENT.—There is established in the
6 Multinational Species Conservation Fund a separate ac-
7 count to be known as the “Great Ape Conservation
8 Fund”, consisting of—

9 (1) amounts transferred to the Secretary of the
10 Treasury for deposit into the Fund under subsection
11 (e);

12 (2) amounts appropriated to the Fund under
13 section 6; and

14 (3) any interest earned on investment of
15 amounts in the Fund under subsection (c).

16 (b) EXPENDITURES FROM FUND.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 upon request by the Secretary, the Secretary of the
19 Treasury shall transfer from the Fund to the Sec-
20 retary, without further appropriation, such amounts
21 as the Secretary determines are necessary to provide
22 assistance under section 4.

23 (2) ADMINISTRATIVE EXPENSES.—Of the
24 amounts in the account available for each fiscal
25 year, the Secretary may expend not more than 3

1 percent, or up to \$80,000, whichever is greater, to
2 pay the administrative expenses necessary to carry
3 out this Act.

4 (c) INVESTMENT OF AMOUNTS.—

5 (1) IN GENERAL.—The Secretary of the Treas-
6 ury shall invest such portion of the Fund as is not,
7 in the judgment of the Secretary of the Treasury,
8 required to meet current withdrawals. Investments
9 may be made only in interest-bearing obligations of
10 the United States.

11 (2) ACQUISITION OF OBLIGATIONS.—For the
12 purpose of investments under paragraph (1), obliga-
13 tions may be acquired—

14 (A) on original issue at the issue price; or

15 (B) by purchase of outstanding obligations
16 at the market price.

17 (3) SALE OF OBLIGATIONS.—Any obligation ac-
18 quired by the Fund may be sold by the Secretary of
19 the Treasury at the market price.

20 (4) CREDITS TO FUND.—The interest on, and
21 the proceeds from the sale or redemption of, any ob-
22 ligations held in the Fund shall be credited to and
23 form a part of the Fund.

24 (d) TRANSFERS OF AMOUNTS.—

1 (1) IN GENERAL.—The amounts required to be
2 transferred to the Fund under this section shall be
3 transferred at least monthly from the general fund
4 of the Treasury to the Fund on the basis of esti-
5 mates made by the Secretary of the Treasury.

6 (2) ADJUSTMENTS.—Proper adjustment shall
7 be made in amounts subsequently transferred to the
8 extent prior estimates were in excess of or less than
9 the amounts required to be transferred.

10 (e) ACCEPTANCE AND USE OF DONATIONS.—The
11 Secretary may accept and use donations to provide assist-
12 ance under section 4. Amounts received by the Secretary
13 in the form of donations shall be transferred to the Sec-
14 retary of the Treasury for deposit into the Fund.

15 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Fund
17 \$5,000,000 for each of fiscal years 2001 through 2005.

 Passed the House of Representatives July 25, 2000.

Attest:

Jeff Trandahl,
Clerk